

Application No.: 09/372,416

Art Unit: 2177

REMARKS

This Reply is in response to the final Office Action mailed October 18, 2011.

I. Request for Interview

In the event the following remarks fail to place this application in condition of allowance, Applicant respectfully requests the opportunity to interview with the Examiner at her convenience, and prior to the issuance of a subsequent Office Action, to assist in expediting prosecution of the application.

II. Status of Claims

Claims 18-84 are pending in this application. Claim 18 is withdrawn from consideration. Claims 19-84 stand rejected.

III. Priority / Rejection under 35 U.S.C. § 112, ¶ 1

The Office Action rejected Applicant's claim to priority to U.S. Patent Application No. 08/787,979, filed on January 22, 1997 (the "979 application"), since the inventor of the instant application was completely different from the inventors of the '979 application. For like reasons, the Office Action rejected Claims 19-84 under 35 U.S.C. § 112, ¶ 1.

On December 15, 2011, the Office of Petition granted petitions to change the inventorship of the instant application. The Office records have been changed to show **David William Roth** as the sole inventor of this application. David William Roth is one of the named inventors of the '979 application.

Accordingly, Applicant respectfully requests acknowledgment of Applicant's claim to priority to the '979 application and withdrawal of the rejection under § 112, ¶ 1.

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IV. Terminal Disclaimer

The Office Action noted that the terminal disclaimer filed on 4/28/2009 was considered as disapproved on 5/7/2009. The Office Action directed Applicant to submit a new Terminal Disclaimer.

On January 18, 2012, Applicant submitted a new Terminal Disclaimer including the fee under 37 C.F.R. § 1.20(d). In an advisory action, dated February 24, 2012, the Examiner acknowledged the Terminal Disclaimer and noted the provisional double patenting rejection has been withdrawn.

V. Claims rejection under 35 U.S.C. § 102(b)

In the Office Action, Claims 19-84 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ronald R. Yager, "Intelligent Agents for World Wide Web Advertising Decisions", International Journal of Intelligent Systems, Vol. 12, pp. 379-390, 1997 (hereinafter "Yager").

The instant application is entitled to the benefit of the filing date of the '979 application. The pending claims are supported by the specification of the '979 application in the manner set forth in 35 U.S.C. § 112, ¶1. Yager is dated December 1997, and hence is not prior art to the claimed invention.

Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(b).

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CONCLUSION

In view of the above remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of a patent.

Dated: February 24, 2012

Respectfully submitted,

/Benzion A. Wachsman/

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*A statement under 37 CFR § 3.73(b) is included

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